

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

JOSEPH P. SCHMITT, Pro se.,
Plaintiff,

v.

ROBERT MURPHY, et al.,
Defendants.

FILED
CLERK'S OFFICE
C.A. No. 2005-11348-NG
2007 NOV 28 AM 10:53

PLAINTIFF'S MOTION FOR COURT TO TAKE ACTION ON SUBMITTED MOTION

Now comes the pro se plaintiff and moves that this Honorable Court take action on submitted motion entitled, "EMERGENCY MOTION FOR COURT TO COMPEL DEFENDANTS', dated October 11,2007.

As grounds for the above entitled motion pro se plaintiff respectfully states the following:

The Constitution of the Commonwealth of Massachusetts, Art. XI. states, "Every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or charactor. He ought to obtain right and justice freely, and without being obliged to purchase it; compleatly, and withou any denial; promptly, and withou delay; conformably to the laws.--

This case was mailed to the Court by plaintiff on June 14,2005, and docketed by the Court Clerk on June 22,2005.

After much delay by actions of this Court, said Court finally ordered the Clerk to issue summonses on May 30,2006, nearly one year after plaintiff sought judicial relief on this matter.

As noted in pro se plaintiff's Affidavit for Entry of Default the defendants MacEachern, Murphy, Dennehy, Clauss and Hall were served by U.S. Marshall on September 5,2006, over a full year past present date.

Plaintiff submitted Request For Admissions for Robert Murphy to the defendants counsel of record on or about February 21,2007. See "Emergency Motion For Court To Compel Defendants," dated October 11,2007

Plaintiff submitted Request For Production Of Documents And Things... Pursuant To Rule 34, dated February 23,2007, See "Emergency Motion For Court To Compel Defendants," dated October 11,2007.

On April 7,2007 Plaintiff served notice upon counsel of record for the defendants, Brendan J. Frigault regarding defendants failure to comply with relevant rules of civil procedure regarding his previous request for production of documents and request for admissions. See "Emergency Motion For Court To

Compel Defendants," dated October 11,2007.

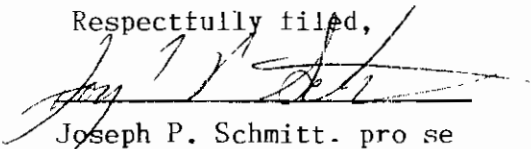
On November 16,2007 plaintiff wrote to this Court's Clerk regarding the non-action regarding his filed, "Emergency Motion For Court To Compel Defendants. As of the below date no action has been taken, thus compelling this pro se plaintiff to file this above-captioned motion.

Plaintiff's case is over the confiscation and loss of \$800.00. The case is supported with documentation generated by the defendants, and yet the case has been prolonged by this Court, and the defendants failure to comply with relevant rules of civil procedure.

Plaintiff respectfully requests this Honorable Court to take immediate action in this case by making a ruling on his Emergency Motion For Court To Compel Defendants.

Dated: November 26,2007

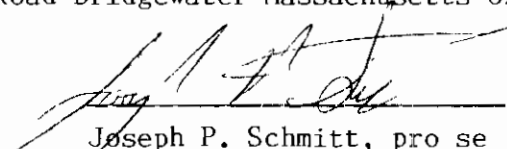
Respectfully filed,



Joseph P. Schmitt. pro se
30 Administration Road
Bridgewater, Massachusetts
02324-3230

CERTIFICATE OF SERVICE

I, Joseph P. Schmitt, hereby certify that on or about November 27,2007 a true copy of the above motion was served upon Defendants' counsel, Brendan J. Frigault at 30 Administration Road Bridgewater Massachusetts 02324-3230 via institutional mail service



Joseph P. Schmitt, pro se
Plaintiff